

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST::

ANDREW C. ETHERIDGE,
RESPONDENT.

FINAL DECISION AND ORDER
LS0001272REB
99 REB 017

The parties to this action for the purpose of Wis. Stats. sec. 227.53 are:

Andrew C. Etheridge
W7703 County Road A
Wild Rose, WI 54984

Wisconsin Real Estate Board
P.O. Box 8935
Madison, WI 53708

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. **ANDREW C. ETHERIDGE** ("Etheridge"), is licensed in the State of Wisconsin as a real estate salesperson having license # 94-37719. This license was first granted to him on August 11, 1992. Etheridge is employed as a real estate salesperson for Eagan Agency, Ltd., Wautoma, Wisconsin.
2. At all times material hereto, Etheridge maintained an ownership interest in residential property located at 533 Park Street, Wild Rose, Wisconsin. This property was constructed prior to 1978 and is referred to herein as the "property".
3. At all times material hereto, Etheridge's wife also maintained an ownership interest in the property
4. In April, 1998, during the course of renting out the property to Kellie Donoho and Bob Donoho, Etheridge failed to provide the Donohos lead hazard information required to be given to tenants pursuant to administrative rules of the United States Environmental Protection Agency and the Department of Housing and Urban Development.
5. These rules require that owners and agents selling or leasing residential housing built before 1978 provide purchasers and renters with a federally approved lead hazard information pamphlet and to disclose known lead-based paint and/or lead-based paint hazards. The disclosure rules became effective on December 6, 1996.

6. Donohos have a young child, Alexis Donoho, date of birth June 30, 1997. Subsequent to the leasing of the property by Etheridge in 1998, Alexis Donoho was tested for lead level in her blood. It was determined that she had elevated levels of lead in her blood.

7. By order of the Waushara County Health Department, Etheridge was directed to correct certain lead hazards in the rental property. Etheridge cooperated with this order.

8. Etheridge was previously disciplined by the Wisconsin Real Estate Board in case number 93 REB 427, by Order dated June 22, 1995.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Board has jurisdiction to act in this matter pursuant to sec. 452.14, Wis. Stats.

2. The Wisconsin Real Estate Board is authorized to enter into the attached Stipulation pursuant to sec. 227.44(5), Wis. Stats.

3. Respondent **ANDREW C. ETHERIDGE** has violated:

a. Section RL 24.17(1) of the Wisconsin Administrative Code and section 452.14(3)(i) of the Wisconsin Statutes by violating the Residential Lead-Based Paint Hazard Reduction Act of 1992, and rules promulgated thereunder, by failing to provide to the tenants of his personally owned rental property required information relating to lead based paint hazards.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is hereby accepted.

IT IS FURTHER ORDERED, that Respondent **ANDREW C. ETHERIDGE**, within six months of the date of this Order, successfully complete the following course modules from the real estate salesperson course at an educational institution approved by the Department of Regulation and Licensing:

a. The Real estate contracts module RL 25.03(3)(h); and

b. The Leases module RL 25.03(3)(n); and

c. The Property management module RL 25.03(3)(o); and

d. The Environmental concerns module RL 25.03(3)(q),

and submit proof of the same in the form of verification from the institution providing the education to the Real Estate Board, P.O. Box 8935, Madison, WI 53708-8935. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that are or may be instituted by the Board or the Department of Regulation and Licensing.

IT IS FURTHER ORDERED, that in the event Respondent **ANDREW C. ETHERIDGE** fails to successfully complete the educational requirements within the time and in the manner as set forth above, then and in that event, and without further notice to the Respondent **ANDREW C. ETHERIDGE**, his real estate license shall be suspended without further hearing and without further Order of the Board, and said suspension shall continue until further order of the Board.

IT IS FURTHER ORDERED, that Respondent **ANDREW C. ETHERIDGE** pay partial **COSTS** of this matter in the amount of \$300.00 within thirty (30) days of the date of this Order by making payment of the same to the Department of Regulation and Licensing, P.O. Box 8935, Madison, WI 53708-8935.

IT IS FURTHER ORDERED, that in the event **ANDREW C. ETHERIDGE** fails to pay costs of \$300.00 within the time and in the manner as set forth above, then his real estate salesperson's license shall be suspended, without further notice, hearing or order of the Board, and said suspension shall continue until the full amount of said costs have been paid to the Department of Regulation and Licensing, and his failure to pay the costs shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that file 99 REB 017 be, and hereby is closed.

Dated this 27th day of January, 2000.

WISCONSIN REAL ESTATE BOARD

By: James Imhoff, Jr.

A member of the Board